

STAFFORD COUNTY PLANNING COMMISSION MINUTES
January 9, 2013

The meeting of the Stafford County Planning Commission of Wednesday, January 9, 2013, was called to order at 6:30 p.m. by Planning Director Jeffrey Harvey in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hirons, Boswell, English, Gibbons, and Schwartz

MEMBERS ABSENT: Apicella

STAFF PRESENT: Harvey, McClendon, Zuraf, Blackburn, Narvaez, Hornung and Knighting

ELECTION OF OFFICERS

A. Election of Chairman

Mr. Harvey stated he would open the floor for nominations. Mr. Hirons stated he would like to nominate Mr. Rhodes to continue as Chairman. Dr. Schwartz agreed by seconding the nomination. The nomination passed 6-0 (Mr. Apicella was absent).

B. Election of Vice-Chairman

Mr. Gibbons stated he would like to nominate Mr. Hirons as Vice Chairman. The nomination passed 6-0 (Mr. Apicella was absent).

C. Election of Secretary

Mr. Gibbons stated he would like to nominate Mr. Apicella as Secretary. The nomination passed 6-0 (Mr. Apicella was absent).

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any Declarations of Disqualification. Hearing none he moved on to public presentations.

PUBLIC PRESENTATIONS

Paul Waldowski stated Stafford County had opportunities, not issues, the word of the month is courage. We have seven Supervisors, seven School Board members, but yet we have five high schools. We have seven selected Planning Commissioners, not elected, who collect a stipend of \$10,000 per year. We have seven Utility Commissioners, probably the only county in the Commonwealth that even has Utility Commissioners. He stated his other property has not received a water bill for thirty years, and the water infrastructure broke. The good part of it was the people who fixed those two houses where the back yard fell out, so we know we have someone with great experience to do that, but the lesson learned here was that subdivision was initiated by a Planning Commission and many of those Planning Commissioners are not even here on earth, and a Board of Supervisors, and yet 209 of the people will probably have to foot the bill. He stated it would be interesting when he goes to that meeting at the end of the month and teach them how to use a registered agent to see if they can come

up with some kind of legal aspect or an opportunity for negotiations. He stated this Commission was facing many aspects, and as they know UDAs are now optional. He stated there were seven UDAs and it would all come back to districting. He stated in seven years we would get another census and that would be the opportunity to make this county look at only having five Supervisors, if we continue to have five high schools.

With no one else coming forward to speak, Mr. Rhodes closed the public presentations. He stated before the Commission moved on to item 1 on the agenda, he would like to recognize Mr. Darrell English, who was the new Planning Commissioner from the Hartwood District replacing Mrs. Hazard.

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance – Proposed Ordinance O13-02 would amend Stafford County Code, Section 28-35, Table 3.1 “District Uses and Standards,” to allow Places of Worship as a permitted use within the R-1, Suburban Residential Zoning District when the use is also located within the HR, Historic Resource Overlay Zoning District. Proposed Ordinance O13-02 would also delete the Conditional Use Permit requirement for Places of Worship when located within both the R-1 and HR Zoning Districts. **(Time Limit: March 12, 2013)**

Susan Blackburn gave the staff presentation and stated the Planning Commission was to consider recommending adoption of Proposed Ordinance O13-02 to amend the Stafford County Code, Section 28-35, Table 3.1 “District Use and Standards” by allowing Places of Worship as a permitted use in the R-1, Suburban Residential Zoning District if the property was also in the Historic Resource Overlay Zoning District. It would also delete the need for a Conditional Use Permit, which was required for Places of Worship when located in the R-1 and HR District. She stated this item came in as an inquiry from Aquia Episcopal Church, which was an 18th century church, located in the County. She stated they were inquiring about what approvals they would need to expand the facilities on the property. She stated currently the classes and other activities are conducted within the Parish Hall and temporary trailers on-site. She stated the Church was located on property zoned R-1, Suburban Residential, and this district requires that places of worship to have a Conditional Use Permit to be a conforming use and/or to expand the use on the property. Since the Church was established before the adoption of the County’s Zoning Ordinance, it is considered a legal non-conforming use and does not have an approved CUP. Therefore, in order to expand their facility and comply with the Zoning Ordinance, they must apply for a Conditional Use Permit. She stated in this particular case, in addition to a Conditional Use permit, the other County approvals necessary for this expansion would be a Certificate of Appropriateness, a site plan, and building permits. The Certificate of Appropriateness was a requirement of the Historic Resource Overlay District. The Church was identified as a Historic Resource for the County and was protected and regulated through the Historic Resource Overlay Zoning District. She stated the COA would ensure that the architecture and site features, such as the size and location of buildings, walls, sidewalks, and parking areas would be consistent with the architectural integrity of the existing historic Church building. A site plan would ensure that there was adequate parking, drainage, and building setbacks. The building permits were required to ensure that the building would be built to modern safety standards. She stated due to the multiple approvals required for these unique properties, Supervisor Milde expressed concern over the need for a CUP in this situation and that it appeared to be a redundant process. Therefore, he requested the Board consider adopting proposed Resolution R12-366. She stated that was done at the November 20, 2012 meeting and that the Resolution referred proposed Ordinance O13-02 to the Planning Commission for review and recommendations. She stated this proposed Ordinance would amend the Zoning Ordinance to allow these Places of Worship to be exempt. She stated the key element to this Ordinance was the inclusion of the property being regulated not only by the zoning designation but also by the HR Overlay Zoning District. The regulations of the HR District are stated in Section 28-58 and are

administered by the Architectural Review Board, also known as the ARB. The ARB consists of five members who are appointed by the Board of Supervisor and must possess the following criteria. One must be a registered architect, one must be a resident of a designated historic district and one must be a member of the Planning Commission. She stated the ARB was charged with administrating the rules and regulations of the HR overlay district, and these rules are designed to protect and enhance the historic properties throughout the county including the approval of a COA. The review of the COA application was comprehensive and designed to ensure any construction within the HR zoning district is compatible with the surrounding properties and enhance the community. She stated currently, three churches fell in this category and they were Ebenezer Church, Union Church and Aquia Church. She stated staff supports adoption of this proposed Ordinance, and the amendment would allow historic Places of Worship to expand and/or enhance their facilities under the guidance of the ARB, specializing in historic preservation without the need for an additional review and approval process of a conditional use permit. She asked if the Commissioners had any questions.

Mr. Hirons asked if this did anything different if a place of worship was in an R-1 but not in a Historical District. Mrs. Blackburn stated if it was located in an R-1 and not a historic resource, a Conditional Use Permit would still be required. The fee for a conditional use permit is over \$ 10,000 and the fee for a COA is \$ 25.00. To confirm, the application is to the church in the historic resource district, which applies to the three which are the Aquia Episcopal, Union Church, and Old Ebenezer. This eliminates the CUP but the CUP would already exist there. Mr. English asked if there are two Ebenezers, and if that should be spelled out. Mr. Hirons clarified it only pertains to historical resource districts so there is no confusion. Aquia Episcopal, the old Ebenezer, and Union Church are the three. Mr. Gibbons commented that the Brent Commentary, since it is zoned R-1, would not pertain to this process, but would not be excluded.

Mr. Gary Perkins, a trustee at the Aquia Episcopal Church and also the head of the new building committee, wanted to thank the Commission for their consideration on this amendment. The difference in the fees was significant and any help would be appreciated.

Mr. Rhodes asked if anyone else would like to speak on this item.

Paul Waldowski, 8 Picket Lane, mentioned the separation of church and state and that conditional use permits were not about money but the need for safety. There is a modern safety aspect and setbacks that need to be followed. He continued by stating a paper trail is necessary and that this amendment could be thought of as favoritism for four other groups. He wants fairness for all and that he had no ill will toward the church and thought they did a great service for the community. But he still felt strongly that the CUP process should continue to be required. He ended his comments by reiterating that the CUP was a good requirement and it was not a good idea to remove it as a requirement for the sake of the expense of the fee.

Jay Morris, the preacher in charge of Aquia Episcopal Church, 4 Cathedral Lane, Stafford, stated they would like to ask for an exception to the requirement for the conditional use permit because of the fees involved. Aquia Episcopal Church opens its doors weekly to a number of groups in the community – Alcoholic Anonymous, ALAnon, Boy and Girl Scouts troops in addition to feeding the homeless and the hungry. He also mentioned that the Church has been in existence since the county was created. The Church would much rather use the money for that use instead of fees for applications. We are grateful for your consideration on this matter.

Mr. Rhodes closed the public portion of the public hearing since no one else came forward to speak. He asked if there were additional comments or discussion from the Commission.

Mr. Hiron made the motion to recommend approval of O13-02 and stated that we should remember that this not about one church or one location, this is actually a change to our zoning ordinance and is actually county wide. He continued by stating that the he is fairly confident that the COA process will protect the citizens and neighbors and that is reducing the bureaucracy of the process. Mr. Rhodes agreed and felt it was an appropriate modification to the zoning ordinance. The motion was seconded by Mr. Boswell and passed 6-0 (Mr. Apicella was absent).

UNFINISHED BUSINESS

2. Amendment to the Zoning Ordinance – Proposed Ordinance O13-03 would amend Stafford County Code to add multi-family dwellings as a by-right use in the Recreational Business Campus (RBC) Zoning District, and establish intensity, height standards, and performance standards for multi-family dwellings. **(Time Limit: March 12, 2013) (History – Deferred December 12, 2012 to January 9, 2013)**
(Authorize for Public Hearing by: January 23, 2013)
(Potential Public Hearing Date: February 13, 2013)

Mike Zuraf gave the staff report. This item was discussed at the December 12, 2012 Planning Commission meeting and was deferred for further discussion. The Commission requested staff provide a history of the RBC zoning district, including the purpose and intent of its establishment. On July 13, 1999, the RBC district was created with the goal of expanding the economic development base of the County. At the time, the intent of the RBC district was to allow for development of a campus style business park that is integrated with activities dependent upon significant areas of open space. On July 1, 2003, the district was amended to add retirement housing as a permitted use. The purpose of the district was modified at the time to include retirement housing. Performance standards were added specific to retirement housing, including that the use would be permitted in up to 30 percent of the district. At the time of this ordinance amendment, the developer requested a proffer amendment to apply proffers specific to the retirement housing area. A fiscal impact analysis conducted at the time found an overall increased and accelerated tax revenue surplus should retirement housing be constructed rather than office development. Mr. Zuraf noted that the RBC district was modified 13 other times since its inception. Most of the revisions were due to changes to uses and development standards across multiple zoning districts, including: vocational school, flex office, public facilities, and floor area ratio. Amendments specific to the district included adding commercial uses, increasing the maximum building height, and requiring a CUP for a helistop use, as opposed to allowing by-right. The Commission also requested staff craft a specific designation for a training facility and associated housing consistent with the specific use proposed under the separate zoning reclassification by the Silver Companies. The proposed definition is: School with residential facility – a building or group of buildings, which is designed, constructed or used for education or instruction in any branch of knowledge excluding industrial or vocational schools or any schools owned and/or operated by Stafford County or the Commonwealth, and includes a facility offering dwelling units that are utilized by participants in the education or instruction and shall not be occupied for more than 180 days per calendar year. This definition expands on the school use definition, adding the residential component. The term “dwelling units” is referenced since the code includes a specific definition for dwelling unit. Also, the Commission requested identification of any other items that should be modified at this time. Staff notes that the “school” use is identified under both the by-right and conditional use categories. Originally, school was a use listed only by-right in the RBC district. In 2007, the zoning ordinance was amended to add “vocational school” as a use in several districts. When vocational schools were added to RBC as a CUP, schools were added too. At the time, the by-right “school” use should have been deleted. If the “School with residential facility” use is added as referenced in number 2 above, parking requirements should be considered, as there could be a potential for a reduction in the required number of spaces as attendees would be able to walk between uses. In addition, the Chairman asked the

Commission to review the proposed amendments and the district regulations for any other changes that would be appropriate. The current RBC Ordinance standards are provided in attachment #2 for reference. Mr. Zuraf stated that the Planning Commission's time limit to act is March 12, 2013. A public hearing should be conducted by February 27, 2013, with authorization for a public hearing by January 23, 2013.

Mr. Rhodes asked if there were any questions for Mr. Zuraf. He then stated that the definition proposed by staff would only be applicable to "Pad I" associated with the rezoning case. He also stated that this would eliminate the CUP opportunity associated with this use. He asked Mr. Zuraf if we adopt this for public hearing as it stands, if the Board determines that it wants to apply to only certain units, could they make the change, or would it need to be referred back. Ms. McClendon stated it would need to be referred back, as it would change the ordinance. Mr. Rhodes asked, if the Planning Commission wants to give the Board different options, whether they could present two proposed ordinances to the Board. They could advertise both versions. Ms. McClendon said it would provide flexibility for the Board. Mr. Rhodes asked if staff could prepare two versions by the next meeting. Mr. Harvey said yes. Mr. Rhodes asked when this could go to public hearing, if the Planning Commission authorized it at their next meeting, and Mr. Harvey said February 27th.

Mr. Gibbons asked about dormitories, as it relates to schools. Mr. Zuraf read the definition of schools. Mr. Rhodes said this could be further discussed at the next meeting when the staff brought back various versions of the ordinance. Mr. Gibbons recommended better language to clarify the dormitories versus residential uses.

Mr. Hornung, Silver Companies, came forward to address the Commission. He indicated that they would like for this ordinance to get to the Board as soon as possible. He stated their concern with the housing is if the tenant ever vacated the building, then the dormitories could not be re-used as apartments. That is a problem from a financing standpoint.

Mr. Hirons asked if a college could open a campus and have dormitories under this proposal, and if there had been any conversations with Mary Washington. Mr. Silver said no, but this is something that they could consider discussing.

Mr. English asked if they are referring to the law enforcement training school, and Mr. Hornung said yes.

Mr. English made a motion to have staff make modifications to the ordinance and bring back to the next meeting, and the motion was seconded by Mr. Boswell. The motion passed 6-0 (Mr. Apicella was absent).

3. Amendment to the Zoning Ordinance – Proposed Ordinance O13-04 would amend Stafford County Code, Section 28-35, Table 3.1 "District Uses and Standards," to eliminate the minimum lot area of 1 lot per acre when on public water and sewer for cluster subdivisions in an A-1, Agricultural Zoning District, thereby establishing a uniform minimum lot size of 1 lot per acre with an average density of 1 lot per 1.5 acres for cluster subdivisions within an A-1 Zoning District. Proposed Ordinance O13-04 would also eliminate the density bonus maximum of 2.25 dwelling units per acre permitted by a conditional use permit in an R-1, Suburban Residential Zoning District. **(Time Limit: February 2, 2013) (Scheduled for public hearing January 23, 2013)**

Mr. Rhodes said this item was deferred to the next meeting.

NEW BUSINESS

4. SUB1100339; Mount Pleasant Estates South, Preliminary Subdivision Plan - A preliminary subdivision plan for 15 single family residential lots zoned R-1, Suburban Residential consisting of 10.3 acres, located approximately 250 feet south of Mount Pleasant Boulevard at the end of Anderson Drive on Assessor's Parcels 46-43B, 46-43C and 46D-5-61 within the Falmouth Election District. **(Time Limit: April 4, 2013)**

Mr. Harvey stated staff was out of the room, and requested the Commission take the next item on the agenda. Mr. Rhodes proceeded to Item 5 (see below).

Robert Narvaez gave the staff presentation. He stated the applicant and owner was JPI-Mount Pleasant, LLC, and the size of the property was 10.3 acres, zoned R-1, Suburban Residential, allowing for 1.5 dwellings units per acre. The proposed number of lots was 15. He provide background information on the property, stating in 2001, a preliminary subdivision plan was approved by the Planning Commission for 19 single family lots, and this plan expired. In 2005, a new preliminary subdivision plan was approved by Planning Commission for 14 single family lots, which was closed due to inactivity in 2011. In October 2011, a cluster concept and preliminary subdivision plan were submitted for 24 single family lots. In November 2011, a neighborhood meeting was conducted with adjacent property owners and county staff based on concerns from the neighbors. In March 2012, the Board of Supervisors repealed the cluster ordinance, and the applicant requested withdrawal of the cluster application. In November 2012, the applicant submitted a new preliminary subdivision plan proposing a 15-lot conventional subdivision, and that is the latest proposal.

Mr. Rhodes asked if the Planning Commission had questions. Mr. Hirons said one citizen was concerned about water pressure to existing homes in Mt. Pleasant. Mr. Narvaez said he would defer to the applicant to address this.

Mr. Gibbons asked where the road would be extended, and if there was any violation of the cul-de-sac rule. Mr. Harvey said block length was 1,200 feet.

Mr. Rhodes asked if there was a limitation on the number of properties on one access. Mr. Harvey said it was based on the ultimate number of lots, and would need to be reviewed with the adjacent property.

Dan Webb, agent for the applicant, came forward to address the Commission. He stated he wasn't aware of any water pressure issues, and ran a model during design. With regard to the block length, there was a sketch on the plan showing the requirement, as it was discussed with staff during plan review. He said the length would be 1,164 feet.

Mr. Gibbons asked about the existing cul-de-sac, and Mr. Webb said they would remove the pavement, but could not vacate the cul-de-sac. The County would need to vacate the right-of-way if desired.

Mr. Hirons made a motion to approve, which was seconded by Mr. Gibbons. Mr. Hirons noted that this subdivision had been controversial with adjacent residents, and he has met with the applicant, in a meeting facilitated by himself and Supervisor Stimpson, and the neighbors. The applicant made a presentation and asked the residents whether they preferred the cluster development, or the conventional lots. The residents preferred the conventional lots, and the applicant worked toward that proposal, so Mr. Hirons appreciated that. The motion to approve passed 6-0.

5. Discussion of Public Notification Requirements

Mr. Zuraf gave a summary of this item. He said this came out of last year's Planning Commission retreat, and staff has prepared some information related to notification for public hearing cases. Regarding Rezonings and Conditional Use Permits, staff currently notifies the adjacent property owners in advance of public hearing dates. The issues are related to telecommunications towers, and whether enough people receive notice based on the height of these facilities. The staff was asked to look at the possibility of notifying owners within a larger range. Mr. Zuraf noted there would be additional costs associated with this. The second issue is open space/common area properties, where the notification goes to the property owners association. A suggestion would be sending notification to property owners within a certain distance of the proposed facility. Mr. Zuraf said for preliminary subdivision plans, the applicant is required to notify adjacent property owners prior to submission of a plan, but the timing of notifications is an issue. Suggestions would be to change the timing of notification within a certain time frame of submission of the plan, and include a distance from the property as to who to notify.

Mr. Rhodes asked what additional implications there would be for staff to look at additional notification, including staff time and costs.

Dr. Schwartz asked about balloon tests and notification, and what radius is typically used to notify people of this, as well as community meetings. Mr. Zuraf said he wasn't certain.

Mr. Gibbons said he liked the idea of community meetings.

Mr. Rhodes asked staff to come back with additional information at a future meeting.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated there was new binder for the members at the dais. New maps would be coming. The meeting schedule was included in the binder. There were two conflicts with meeting dates based on holidays. Mr. Rhodes recommended that they bring this item back at the next meeting to amend the meeting schedule for the year.

Mr. Hiron asked whether the Planning Commission would have a retreat again this year. Mr. Rhodes said one could be planned, and to allow staff time to plan and set some topics, this can be discussed at the next meeting.

Mr. Harvey noted the new appointments by the Board of Supervisors. He stated Mr. Rhodes would need to fill the Planning Commission representative on the Centreport ARB committee, which was vacated by Ms. Hazard when she left the Planning Commission. Mr. Rhodes asked Mr. English to serve on that committee.

Mr. Harvey stated that he would have the Planning Commission's annual report available at the next meeting. The Commission should also discuss the annual work plan at the next meeting. Lastly, he stated that the diagnostic review of the ordinances was being made by a consultant, and staff would present to the Planning Commission when it was available. Mr. Rhodes asked staff to bring the Comp Plan Implementation Plan with the annual work plan.

COUNTY ATTORNEY'S REPORT

Ms. McClendon said she had no report.

COMMITTEE REPORTS

6. Proffer Guidelines

Mr. Harvey stated there was no meeting scheduled yet, so there was no report. Mr. Rhodes stated he would send a reminder to the Board chairman to set a meeting.

CHAIRMAN'S REPORT

Mr. Rhodes thanked everyone for the opportunity to serve another year as chair.

OTHER BUSINESS

7. TRC Information – Meeting January 23, 2013

Ms. Hornung presented information for the next meeting, and stated information was available on-line for accessibility.

APPROVAL OF MINUTES

November 28, 2012

Mr. Gibbons made a motion to approve, and it was seconded by Mr. Boswell. The motion passed 5-0-1. (Mr. English abstained, as he was not on the Commission yet.)

December 12, 2012

Mr. Gibbons made a motion to approve, and it was seconded by Mr. Boswell. The motion passed 5-0-1. (Mr. English abstained, as he was not on the Commission yet.)

ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Michael Rhodes, Chairman
Planning Commission